

ENTERED

June 09, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RODNEY KEITH VICE,

Plaintiff,

VS.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 3:16-CV-271

ORDER DENYING LEAVE TO PROCEED IN FORMA PAUPERIS

Plaintiff has requested leave to appear *in forma pauperis* in this appeal from a decision regarding Social Security benefits. Dkt. 3.

Plaintiff states that he receives long term disability payments of \$3,900 per month, owns a vehicle, has \$1,000 in a savings account, and that his assets include 16 acres of land that he values at \$134,000. His list of expenses amounts to \$1,700 per month, and includes a \$600 monthly payment on an “adjoining tract of land,” \$500 per month on credit card debt, and \$100 per month for cable television.

After reviewing the application, and considering the applicable authorities, the Court finds that the application should be **DENIED**.

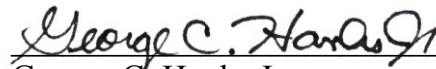
“The mere execution of an affidavit of indigence does not automatically entitle a litigant to proceed *in forma pauperis*.” *Heath v. I.R.S.*, 2002 WL 31086069, at *1 (N.D. Tex. 2002) (citing *Adkins v. E.I. Du Pont De Nemours & Co., Inc.*, 335 U.S. 331, 337 (1948); *Green v. Estelle*, 649 F.2d 298, 302 (5th Cir. Unit A June 1981); 28 U.S.C. § 1915(a)). “While plaintiff does not need to be absolutely destitute to qualify for *in forma*

pauperis status, such benefit is allowed only when plaintiff cannot give such costs and remain able to provide for himself and his dependents.” *Bright v. Hickman*, 96 F. Supp. 2d 572, 575 (E.D. Tex. 2000) (citing *Adkins*, 335 U.S. at 339); *see also Mitchell v. Champs Sports*, 42 F. Supp. 2d 642, 648 (E.D. Tex. 1998).

In light of the foregoing, the Court **ORDERS** that Plaintiff has sixty (60) days to pay the filing fee in this cause; all of the costs associated with the filing of this lawsuit should be paid on or before **August 14, 2017**. If Plaintiff does not object to this recommendation, and further does not pay the filing fee by **August 14, 2017**, this case be dismissed without prejudice with no further notice to Plaintiff.

Further, Plaintiff’s motion to proceed in forma pauperis, Dkt. 2, is **DENIED as moot**.

SIGNED at Galveston, Texas, this 9th day of June, 2017.



George C. Hanks Jr.
United States District Judge